IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 13443 of 2004**

Between:

1. Motamarri Murali Babu S/o Late Narayana Rao
R/o Radhakrishna Salai Mylapur, Madras, Tamil Nadu.
2. Motamarri Venugopal S/o Late Narayana Rao
R/o Radhakrishna Salai Mylapur, Madras, Tamil Nadu.
3.Motamarri Krishna Mohan S/o Late Narayana Rao
R/o Radhakrishna Salai Mylapur, Madras, Tamil Nadu.
4. Motamarri Ramatayaramma W/o Late M. Narayana Rao
R/o Radhakrishna Salai, Mylapur Madras, Tamil Nadu State rep. by the Power of Attorney Holder Tadepally
Sujanabhushana Rao, S/o Haigreeva Rao R/o Khojjilipet, Machilipatnam, Krishna District.

**..... PETITIONERS.**

AND

1.The Sub Collector, Vijayawada, Krishna District.
2.The Mandal Revenue Officer, Vijayawada Town, Krishna District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to forthwith implement the Judgment of the learned District Judge-cum-Chairman, Tribunal under the A.P. Land Grabbing

(Prohibition) Act in L.G.O.P.No. 80 of 1989 on his file as confirmed by this Hon'ble Court in WP No. 2322 of 1999 and deliver the possession of the same to the petitioners within a time to be prescribed by this Hon'ble Court.

**Counsel for the Petitioner: Mr.A.RAMANARAYANA**

**Counsel for the Respondents: GP FOR ASSIGNMENT**

**The Court made the following :**

**ORAL ORDER:**

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Counter affidavit is filed by the respondents justifying the action of not executing the orders passed in L.G.O.P. No. 80 of 1989 on the file of the District Judge-cum-Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, Machilipatnam, Krishna District under Rule 15 of the Rules framed under the said Act.

It is stated that some of the respondents in L.G.O.P. No.80 of 1989 filed O.Ps 28 to 32 of 2001 on the file of the II Additional Senior Civil Judge, Vijayawada and obtained status quo orders. It is also stated that one Vadivelu Subbaraju & Dhanamathi also filed Writ Petition No. 9410 of 2002 in this Court and in W.P.M.P. No. 11611 of 2002, on 15.5.2002, interim orders were granted. These interim orders have prevented the respondents in executing the order.

After counter was filed, learned counsel wanted to have instructions in the matter as to whether the interim orders passed in subsequent proceedings have or have not been vacated.

We need not keep this Writ Petition pending on our record, since, as per the affidavit in reply, it is not a case of any inaction on the part of the respondents, as they were prevented by some interim orders. In case, interim orders had been vacated, it will be for the petitioners to obtain copies of the said orders and produce them before respondents to enable them to execute the order in L.G.O.P. No. 80 of 1989. In case, orders have not been vacated, it will be for the petitioners to make effort to have the orders vacated, and, thereafter, approach the respondents for executing the orders.

With the above observations, and, with liberty reserved to the petitioners, the Writ Petition stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

1.9.2004.

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C.V.RAMULU, J.

VR.

To

1.The Sub Collector, Vijayawada, Krishna District
2.The Mandal Revenue Officer, Vijayawada Town, Krishna District.

3. Two CCs to Govt. Pleader for Assignment, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.